

Message Text

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DRAFTED BY L/NEA:BKHUFFMAN:DSC

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COMMERCE/CAGNE-BIC:JHALDANE

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TO AMEMBASSY TEHRAN PRIORITY

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TAGS: BGEN, IR

SUBJECT: CONDUCT OF AMERICAN BUSINESS IN IRAN

REF: TEHRAN 5592

1. FOLLOWING ARE ANSWERS TO QUESTIONS POSED REFTTEL REGARDING GOI FORM AFFIDAVIT FOR FOREIGN FIRMS:

A. NOTARIZING AFFIDAVIT FOR USE IN IRAN WOULD NOT CONFLICT WITH DEPT REGULATIONS. 7 FAM 814.3-1 AND 814.5 PROVIDE ADEQUATE THOUGH NOT EXPLICIT BASIS FOR NOTARIZING STATEMENT BY AMCIT FOR USE IN HOST COUNTRY.

B. SWEARING TO WILFULLY FALSE STATEMENT BEFORE CONSULAR OFFICER WOULD CONSTITUTE PERJURY PUNISHABLE UNDER U.S. LAW (18 USC 1621) BY UP TO DOLS 2000 FINE AND OR 5 YEARS IMPRISONMENT.

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C. U.S. CONSULAR OFFICERS NO LONGER MAINTAIN MISCELLANEOUS RECORD BOOK AND THERE IS NO SYSTEM OF RECORDING DOCUMENTS AS ENVISIONED IN THE AFFIDAVIT.

IF COPIES OF AFFIDAVITS WERE NEVERTHELESS RETAINED BY EMB, THEIR AVAILABILITY UNDER FOI ACT WOULD DEPEND UPON CASE-BY-CASE REVIEW OF WHETHER CONTENTS INCLUDED

QTE TRADE SECRETS AND COMMERCIAL OR FINANCIAL INFORMATION OBTAINED FROM A PERSON AND PRIVILEGED OR CONFIDENTIAL. UNQTE. EVEN IF PORTIONS OF AFFIDAVIT FELL WITHIN ABOVE DEFINITION, AFFIDAVIT MIGHT BE AVAILABLE UNDER FOI ACT IF SUCH PORTIONS COULD BE DELETED.

2. BEFORE CONSIDERING U.S.G. REACTION, WE WOULD WELCOME RUN-DOWN ON ANY PRACTICAL PROBLEMS WITH AFFIDAVIT PERCEIVED BY EMB OR U.S. BUSINESS COMMUNITY. FOR PRESENT, YOU SHOULD CONTINUE TO TAKE NO ACTION TO IMPLEMENT THIS PROCEDURE.

3. INITIAL STUDY OF AFFIDAVIT INDICATES NEED FOR CLARIFICATION OF, AMONG OTHER THINGS, ITS APPLICATION TO ESTABLISHED ACTIVITIES; WHETHER ITS REFERENCE TO PERSONAL KNOWLEDGE IS INTENDED TO MEAN QTE TO THE EXTENT OF PERSONAL KNOWLEDGE UNQTE; ITS APPLICATION TO PAYMENTS AFTER ITS DATE OF EXECUTION; ITS RELEVANCE TO FACILITATIVE SERVICES OF TRAVEL AGENTS, STENOGRAPHERS, TRANSLATORS, ETC.; WHETHER SEVERE SANCTION OF EXPROPRIATION MIGHT RESULT FROM MINOR MIS-STATEMENT IN AFFIDAVIT. INGERSOLL

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